1: Evans-Pritchard E-5 (1931, 1936) 1940
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101 Nuerland are said to be of Dinka origin. Moreover, there has been continuous contact between the two peoples that has resulted in much miscegenation and cultural borrowing. Both peoples recognize their common origin.

When we possess more information about some of the Shilluk-speaking peoples it will be possible to state what are the defining characters of Nilotic culture and social structure. At present such a classification is exceedingly difficult and I postpone the attempt, devoting this book to a plain account of the Nuer and neglecting the many obvious comparisons that might be made with other Nilotic peoples.

•128 Political institutions are its main theme, but they cannot be understood without taking into account environment and modes of livelihood. I therefore devote the earlier part of the book to a description of the country in which the Nuer live and of how they obtain the necessities of life. It will be seen that the Nuer political system is consistent with their ecology.

The groups chiefly dealt with in the later part of the book are the people, the tribe and its segments, the clan and its lineages, and the age-sets. Each of these groups is, or forms part of, a segmentary system, by reference to which it is defined, and, consequently the status of its members, when acting as such towards one another and to outsiders, is undifferentiated. These statements will be elucidated in the course of our inquiry. We first describe the interrelation of territorial segments within a territorial, or political, system and then the relation of other social systems to this system. What we understand by political structure will be evident as we proceed, but we may state as an initial definition that we refer to relations within a territorial system between groups of persons who live in spatially well-defined areas and are conscious of their identity and exclusiveness. Only in the smallest of these communities are their members in constant contact with one another. We distinguish these political groups from local groups of a different kind, namely domestic groups, the family, the household, and the joint family, which are not, and do not form part of, segmentary systems, and in which the status of members in respect to each other and to outsiders is differentiated. Social ties in domestic groups are primarily of a kinship order, and corporate life is normal.

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The Nuer political system includes all the peoples with whom they come into contact. By 'people' we mean all persons who speak the same language and have, in other respects, the same culture, and consider themselves to be distinct from like aggregates. The Nuer, the Shilluk, and the Anuak each occupy a continuous territory, but a people may be distributed in widely separate areas, e.g. the Dinka. When a people is, like the Shilluk, politically centralized, we may speak of a 'nation'. The Nuer and Dinka, on the other hand, are divided into a number of tribes which have no common organization or central administration and these peoples may be said to be, politically, a congeries of tribes, which sometimes form loose federations. The Nuer differentiate those tribes which live in the homeland to the west of the Nile from those which have migrated to the east of it. We find it convenient to make the same distinction and to speak of the Western Nuer and the Eastern Nuer. The Eastern Nuer may be further divided, for descriptive purposes, into those tribes which live near the *Zeraf river* and those which live to north and south of the *Sobat river*.

The largest political segment among the Nuer is the tribe. There is no larger group who, besides recognizing themselves as a distinct local community, affirm their obligation to combine in warfare against outsiders and acknowledge the rights of their members to compensation for injury. A tribe is divided into a number of territorial segments and these are more than mere geographical divisions, for the members of each consider themselves to be distinct communities and sometimes act as such. We call the largest tribal segments 'primary sections', the segments of a primary section 'secondary sections', and the segments of a secondary section 'tertiary sections'. A tertiary tribal section consists of a number of villages which are the smallest political units of Nuerland. A village is made up of domestic groups, occupying homesteads, and huts.

We discuss the institution of the *leut* and the part played in it by the leopard-skin chief in relation to the political system. The word 'chief' may be a misleading designation, but it is sufficiently vague to be retained in the absence of a more suitable English word. He is a sacred person without political authority. Indeed, the Nuer have no government, and their

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state might be described as an ordered anarchy. Likewise they lack law, if we understand by this term judgements delivered by an independent and impartial authority which has, also, power to enforce its decisions. There are signs that certain changes were taking place in this respect, and at the end of the chapter on the political system we describe the emergence of prophets, persons in whom dwell the spirits of Sky-gods, and we suggest that in them we may perceive the beginnings of political development. Leopard-skin chiefs and prophets are the only ritual specialists who, in our opinion, have any political importance.

After an examination of the political structure we describe the lineage system and discuss the relation between the two. Nuer lineages are agnatic, i.e. they consist of persons who trace their descent exclusively through males to a common ancestor. The clan is the largest group of lineages which is definable by reference to rules of exogamy, though agnatic relationship is recognized between several clans. A clan is segmented into lineages, which are diverging branches of descent from a common ancestor. We call the largest segments into which a clan is divided its 'maximal lineages', the segments of a maximal lineage its 'major lineages', the segments of a major lineage its 'minor lineages', and the segments of a minor lineage its 'minimal lineages'. The minimal lineage is the one to which a man usually refers when asked what is his lineage. A lineage is thus a group of agnates, dead or alive, between whom kinship can be traced genealogically, and a clan is an exogamous system of lineages. These lineage groups differ from political groups in that the relationship of their members to one another is based on descent and not on residence, for lineages are dispersed and do not compose exclusive local communities, and, also, in that lineage values often operate in a different range of situations from political values.

After discussing the lineage system in its relation to territorial segmentation we describe briefly the age-set system. The adult male population falls into stratified groups based on age, and we call these groups 'age-sets'. The members of each set become such by initiation and they remain in it till death. The sets do not form a cycle, but a progressive system, the junior set

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passing through positions of relative seniority till it becomes the senior set, after which its members die and the set becomes a memory, since its name does not recur. The only significant age-grades are those of boyhood and manhood, so that once a lad has been initiated into a set he remains in the same age-grade for the rest of his life. There are no grades of warriors and elders such as are found in other parts of East Africa. Though the sets are conscious of their social identity they have no corporate functions. The members of a set may act jointly in a small locality, but the whole group never co-operates exclusively in any activity. Nevertheless, the system is organized tribally and each tribe is stratified according to age independently of other tribes, though adjacent tribes may co-ordinate their age-sets.

The Nuer, like all other peoples, are also socially differentiated according to sex. This dichotomy has a very limited, and negative, significance for the structural relations which form the subject of this book. Its importance is domestic rather than political and little attention is paid to it. The Nuer cannot be said to be stratified into classes. Within a tribe there is slight differentiation of status between members of a dominant clan, Nuer of other clans, and Dinka who have been incorporated into the tribe, but, except perhaps on the periphery of Nuer expansion eastwards, this constitutes distinction of categories rather than of ranks.

Such, briefly, is the plan of this book and such are the meanings we attach to the words most frequently used to describe the groups discussed in it. We hope in the course of our inquiry to refine these definitions. The inquiry is directed to two ends: to describe the life of the Nuer, and to lay bare some of the principles of their social structure. We have endeavoured to give as concise an account of their life as possible, believing that a short book is of greater value to the student and administrator than a long one, and, omitting much material, we have recorded only what is significant for the limited subject of discussion.

III

When the Government of the Anglo-Egyptian Sudan asked me to make a study of the Nuer I accepted after hesitation and with misgivings. I was anxious to complete my study of the

8:Howell E, G-5 (1942-1944)1954
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It is also intended to provide further material for those whose interests lie in a more general and theoretical study of 'primitive law', although I have myself rarely attempted to interpret that material in terms of comparative jurisprudence. 121

These two objectives are not entirely compatible and involve difficulties of presentation. I must therefore seek indulgence in advance for those passages which may appear abstruse and far removed from the practical problems which face the administrator and for those passages which may appear self-evident or over-simplified to the jurist and the anthropologist. Whether the book will be of value in the administration of Nuerland in the near future or in the self-governing Sudan must be judged by posterity. It is dedicated with affection to the Nuer people themselves in the hope that they may find security and fulfilment in the direction of their own affairs with due regard for their traditions.

Presentation and Orthography

Since it is not easy to isolate one aspect of the social and political affairs of the Nuer from another, the system of classification is arbitrary and not based on any conventional legal form. There are also obvious repetitions when a particular institution or concept is examined in different contexts. I begin with a summary account of the social and political structure of the Nuer for the benefit of those who have not studied previous literature on the subject, and this inevitably leads to generalizations which are not equally valid throughout the whole area. The Nuer are, however, sufficiently homogeneous to make generalizations at least possible. For further information the reader may turn to the publications listed in the Bibliography. Chapter II concerns homicide and bodily injuries which are not at all uncommon in Nuerland even today. Chapter III concerns marriage, the means by which it is achieved, the rights and duties which arise and which are often in dispute before the courts. Part II of the same Chapter concerns the dissolution of marriage, a process which is unfortunately more common nowadays than it was in the past. Chapter IV concerns the violation of rights in women, also a common cause for litigation. In Chapter V I have attempted to outline some of the main features of Nuer concepts of ownership and corporeal property which are at present no real problem, but which may well need a more complex and precise system of law in the future. In Chapter VI I have attempted, very briefly, to describe the part played by religion as a sanction for social conformity, and the functions of the various religious and magical experts, some of which are recognized in the administration of tribal law and custom. In Chapter VII I have attempted to analyse in very simple terms the nature of Nuer customary law as it was in the past, and the way in which it is developing under modern conditions. 122

8:Howell E, G-5 (1942-[illegible]44)1954
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A general index is included, but for easy reference a detailed list of contents is given at the beginning.

For the sake of consistency I have, with few exceptions, followed the orthography adopted by Professor Evans-Pritchard. The full range of phonetic symbols has not been used, but the Nilotic *ch* or *th* sound is rendered as *c*—a common convention even in administrative documents—and *gh* stands for the phonetic Ɣ. Other forms of spelling are taken from *A Nuer-English Dictionary*, by Fr. J. Kiggen. After initial explanation, I have often had to employ Nuer terms in later passages without further definition simply because such terms have a complicated meaning for which there is no succinct English translation. To assist the reader a glossary of these terms is included among the appendices.

Note on Cattle Terminology

Nuer law is principally concerned with rights and claims in cattle, and it will be as well, even at this early stage, to give some description of Nuer cattle terms. Cattle are referred to generally as *ghok*. The *ghok thangu*—the indemnity paid to a dead man's kin by his slayer—simply means the 'cattle of compensation', the *ghok gumulo* are the 'father's cattle', i.e. the father's portion of bridewealth. A single cow is *yang*, though *yang* is often used indiscriminately to describe all sizes of female cattle. A heifer is specifically *nar*, a young female animal which has not yet calved, but may be expected to do so in the near future. A smaller female calf is *dim*. An entire bull is *nat*, the steer bull being referred to as *tut nar*, 'the bull of the herd'. An ox is *thak* if it is full-grown, all other bull-calves being *ruath*. Cattle obviously have their relative value according to sex and size. A full-grown ox (*thak*) is often said to be worth a cow-calf (*dim*); a pregnant heifer (*nar nar lier*) or a pregnant cow (*yang nar lier*) is clearly worth more than a similar animal which is not in calf. A barren cow (*yang nar bat*) is useless except for meat or sacrifice but is often considered the equivalent of a medium size ox.

Conventional claims or rights (*nueng*) are usually specified: for example, the *yang kuoth gumulo*, 'the cow of the father's spirit', is one specific item included in the *ghok gumulo*, the bride's father's portion of her bridewealth. This is a single animal. The *yang gumulo*, another item in the father's portion, however, is usually a cow and its calf, though when referring to the claim, the calf may not be specifically mentioned. At the same time these terms may be subject to agreement between the two parties concerned and not to a strict legal interpretation. Thus, though he may point out that the *yang gumulo* should consist of a cow and calf, a father may well be prepared to accept something less than this.

In giving judgement, a Nuer court will almost always specify the

15: Batt E-4 (No date) 1952 F322 Mure F322

ETHNOGRAPHIC SURVEY OF AFRICA

FOREWORD

121 The preparation of a comprehensive survey of the tribal societies of Africa was discussed by the Executive Council of the Institute as far back as 1927, but the interruption and restricting of its activities caused by the war resulted in the postponement of the project. Events and developments during recent years, however, have led to a wider recognition of the need for collecting and making more generally available the wealth of existing but uncoordinated material on the ethnic groupings and social conditions of African peoples, particularly in connection with plans for economic and social development. Moreover, it appeared that the International African Institute, as an international body which has received support from and performed services for the different Colonial governments, was in a very favourable situation for undertaking such a task.

121 123 The Institute, therefore, in 1926 worked out a scheme for the preparation of an Ethnographic Survey of Africa. A committee, under the chairmanship of Professor Radcliffe-Brown, was appointed to consider the scope and form of the Survey (the Africa's name appears on each volume) and collaboration was established with research institutions in South Africa, Rhodesia, East Africa, French West Africa, Belgium and the Belgian Congo. In addition to a grant from the British Colonial Development and Welfare Fund, awarded on the recommendation of the Colonial Science Research Council, the Institute has received a grant from the Government of the Anglo-Egyptian Sudan to assist in the preparation and publication of material relevant to that territory, and this assistance is gratefully acknowledged in connection with the present study.

121 123 The aim of the Ethnographic Survey is to present a concise, reviewed, and accurate account of our present knowledge of the tribal groupings, distribution, physical environment, social conditions, political and economic structure, religious beliefs and rain practices, technology and art of the African peoples. The material is to be presented as briefly and as on consistent a plan as possible, and the text will be supplemented by maps and comprehensive bibliographies.

121 The Ethnographic Survey is being published as a series of separate, self-contained studies, each devoted to one particular people or cluster of peoples. It is hoped that publication in this form will make the results more quickly and readily available to those interested in specific areas or groups. A list of the services which have already appeared is given on the cover of this volume.

121 127 Since the unequal value and the generally unsatisfactory nature of the available information constituted a chief reason for undertaking this survey, it will be obvious that the material here presented can make no claim to be complete or definitive. Every effort has been made, however, to incorporate all available information and no check is by reference to unpublished sources and to workers actually in the field. Use is to

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16: Evans-Pritchard E-S (1931, 1936) 1956
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PREFACE

121 I have to emphasize that this is a study of religion. So strong has been rationalist influence on anthropology that religious practices are often discussed under the general heading of ritual together with a medley of rites of quite a different kind, all having in common only that the writer regards them as irrational; while religious thought tends to be inserted into a general discussion of values. Here the view is taken that religion is a subject of study *sui generis*, just as are language or law. Consequently I do not feel that I am obliged to describe fully such ceremonies as those that take place at initiations, engagements, weddings, &c., which on no definition of religion can be regarded as religious phenomena, but only to indicate what, if anything, in them has religious significance. Likewise, I do not consider that I have to discuss Nuer moral judgements in general, but only in so far as they more immediately concern their religious thought and practice.

v28 The chapters of this book were first written to be delivered as lectures, mainly in university courses at Oxford, though some were written for more formal occasions. Chapter I was a Presidential Address to the Royal Anthropological Institute (1951), Chapter XI the Henry Myers Lecture to the same Institute (1954), Chapter IV the Munro Lecture in the University of Edinburgh (1950), Chapter V a lecture to the University of London Anthropological Club (1954), and Chapter X an address delivered at the Fourth International Congress for Anthropology and Ethnology in Vienna (1952). Some repetition is inevitable in this form of presentation but I have eliminated all that was avoidable.

ack I thank the editors of the following journals for permission to reprint what has appeared in them: *Journal of the Royal Anthropological Institute*, *Man*, *Sudan Notes and Records*, *Africa*, *African Affairs*, *American Anthropologist*, *Annali Lateranensi*, *Anthropological Quarterly*, and *Sociologus*.

I owe a very great debt to Dr. R. G. Lienhardt. He has read the whole of this book at various stages of its growth and has made many suggestions which I have adopted. We have discussed its contents so often that I am scarcely able to say what I owe to him and what I do not. I can only say that I doubt whether I would have written it at all if it had not been for his interest and encouragement. His help has been all the more valuable, and the more generous, in that it was given in the light of as yet unpublished conclusions he had reached by his study of Dinka religion.